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23 UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 AMERICAN FEDERATION OF
27 GOVERNMENT EMPLOYEES, AFL-CIO, et
28 al.,

Plaintiffs,

v.
DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**DECLARATION OF MATTHEW
NELSON**

1 DECLARATION OF MATTHEW NELSON

2 I, Matthew Nelson, declare as follows:

3 1. I am over 18 years of age and competent to give this declaration. This declaration is
4 based on my personal knowledge, information, and belief.

5 2. I am an Executive Board Member of The American Federation of State, County
6 and Municipal Employees, Arizona Retirees Chapter 97 ("AFSCME Chapter 97" or "Union").
7 AFSCME Chapter 97 is a subordinate body of AFSCME International. Before my retirement, I
8 was the business agent for AFSCME Minnesota Council 5, an AFSCME International subordinate
9 body representing AFSCME members who are active employees in the State of Minnesota, for 33
10 years.

11 3. AFSCME Chapter 97 is made up of retired public service workers across the state
12 of Arizona who have come together to fight for retirement security. AFSCME Chapter 97
13 members include retired nurses, social workers, sanitation workers, and correctional officers who
14 were members of AFSCME, represented by the union for purposes of collective bargaining, when
15 they were active employees. Under the AFSCME International Constitution, to be a member of a
16 retiree chapter like AFSCME Chapter 97, as I am, you must pay dues to the Union—and all
17 members of AFSCME retiree chapters, including AFSCME Chapter 97, are members of AFSCME
18 International.

19 4. Chapter 97's mission is to advocate for and promote the interests of former-public
20 service employee members in their retirement. AFSCME retiree members stand together to protect
21 and improve retirement benefits, like pensions, Medicare, and Social Security through
22 Congressional lobbying, appealing to state legislators, and working with officials at city hall to
23 defend retirement security.

24 5. My wife, Donna, still works as the Strategy Director at Elevance Health. She is
25 planning to retire sometime in the next year. Together, Donna and I are weighing our options to
26 determine when the best time is, for us financially, for her to retire.

27 6. Social security is a complicated system. Payment modeling is helpful for us to
28 understand Donna's potential benefit amounts and make an informed choice about when to start

1 claiming benefits, which will ultimately impact Donna's overall retirement income. When I started
2 taking Social Security benefits 2 years ago, we went to a Social Security Administration ("SSA")
3 office and received assistance with payment modeling, which helped us determine when it was
4 right for me to retire. I did not have an appointment and was quickly helped by the office staff.
5 There was no requirement that I be within a certain period of time of my anticipated retirement to
6 be assisted with payment modeling, as I expressed to the SSA representative that the point of my
7 visit was to obtain information to help me determine when I should retire.

8 7. To better understand her benefits and plan for her retirement, Donna went to the
9 SSA office in Tucson, Arizona in March 2025 to do payment modeling. There, she was told she
10 needed to make an appointment over the phone and could not be helped that day.

11 8. Later that day, Donna called the SSA 800 number, as she had been instructed to,
12 and found the wait time was over three hours long. Unable to wait that long during the workday,
13 she hung up and called again a few hours later. She was again informed the wait would be at least
14 three hours. SSA's 800 number does not have an option to be called back without losing your
15 place in line and requires staying connected the entire time.

16 9. Approximately one week later, Donna called the SSA again, where she was placed
17 on hold for hours.

18 10. Due to the extremely long wait times, Donna attempted to do the payment
19 modeling online herself several times in March, but the SSA's website was not functioning on the
20 three times she visited the website. Because of problems with the SSA webpage, we could not get
21 access to even look at the payment modeling page.

22 11. Each time Donna called the SSA 800 number, she experienced hours-long wait
23 times. When she was eventually connected with a SSA representative, she was repeatedly told that
24 their "system is down," and therefore they were unable to book an appointment for her. As a
25 result, because of the new policy requiring an appointment for any in-office visit, and her inability
26 to make an appointment on the phone, Donna was unable to receive assistance for months.

27 12. Finally, after eleven unsuccessful calls to the SSA—each requiring hours of time
28 spent on hold—Donna received some information. On April 4, 2025, Donna spoke to an SSA

1 representative who informed her that she would not be able to book an appointment in the Tucson
2 office until within three months of the start of her retirement benefits. The representative
3 explained that the only way Donna could do payment modeling was by herself, online, unless it
4 was within three months of her scheduled retirement. Until that time, the Tucson office would not
5 see her.

6 13. Donna is unable to do all the retirement planning and modeling herself on the
7 website, even when it is working properly. Some information, such as determining her monthly
8 benefit amount while she is still working, is not available without assistance from a representative.
9 As a result, we must decide when she will retire without complete information about Donna's
10 benefits or overall retirement income. Additionally, when Donna does decide to retire, she will
11 still need to go to the SSA office because applications to receive benefits and set up direct deposit
12 can no longer be done online or over the phone.

13 14. I did not have these problems when I retired two years ago. I had no problems with
14 the SSA website, and when I needed assistance, I had little difficulty getting in touch with a
15 representative at SSA over the phone or in the office.

16 15. Donna and I share our finances. When she retires, her social security benefits will
17 be an important part of our monthly budget. It is important to both of us that we make informed
18 choices about our retirement.

19 16. We have seen many reports about agency-wide reorganizations and workforce
20 reductions at the SSA. We have also heard of widespread complaints in Arizona regarding some of
21 the same problems we have faced because of agency RIFs: webpage disruptions, phone service
22 issues, account access problems, and delays in receiving payments. One of those reports was a
23 press release from the Arizona Attorney General's Office, and it stated that Attorney General
24 Mayes was "deeply concerned" about the effects of DOGE on the SSA and the number of
25 complaints the office has received. A true and correct copy of that report, which is also available
26 at <https://www.azag.gov/press-release/attorney-general-mayes-joins-brief-defend-social-security-erratic-and-unlawful>, is attached hereto as Exhibit A.

28

1 17. This experience has been extremely frustrating for Donna and me. Given our
2 experience so far with the SSA, we are concerned about Donna's ability to apply for retirement
3 benefits if the SSA website is down or she cannot get an appointment in the Tucson office when
4 she is ready to apply. SSA benefits are not retroactive and cannot start until she submits an
5 application for benefits. Donna does not have a pension, so any delay in receiving her payments
6 when she retires would be financially difficult for us. Due to this uncertainty of how long it will
7 take for an application to be processed and not knowing what her payments will be, Donna is
8 considering delaying her retirement.

9 18. As an AFSCME Chapter 97 Executive Board Member, I regularly interact with
10 other retirees who receive SSA benefits. Before this year, I did not hear of other retirees having
11 problems with accessing the SSA website, waiting on the SSA 800 number for hours, or not being
12 helped when going to the SSA office. In the past two months, I have heard five retirees share
13 stories of frustration with SSA website accessibility issues and long wait times for phone calls and
14 scheduling appointments. If SSA implements large-scale RIFs, these problems will almost
15 certainly get significantly worse.

16

17 I declare under penalty of perjury under the laws of the United States that the foregoing is
18 true and correct. Executed April '25, 2025, in Oracle, Arizona.

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Matthew Nelson

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Exhibit A

Attorney General Mayes Joins Brief to Defend Social Security from Erratic and Unlawful Management

Wednesday, April 16, 2025

PHOENIX – Attorney General Kris Mayes joined a coalition of 20 other states filing an amicus brief supporting an injunction to block erratic and unlawful layoffs and mismanagement at the Social Security Administration by acting administrator Leland Dudek and the Department of Government Efficiency that jeopardize continued payments for millions of Americans.

The brief supports the plaintiffs in *American Association of People with Disabilities v. Dudek* and was filed today in the United States District Court for the District of Columbia.

"I am deeply concerned about the effects the reported efforts by DOGE are having on this critical agency. Over 1.5 million Arizonans receive Social Security – that's money that belongs to you, not President Trump or Elon Musk," said Attorney General Mayes. "We have received nearly 300 complaints from Arizonans reporting webservice disruptions, phone service issues, and account access problems and even delays or disruptions in receiving expected payments. It is beyond unacceptable."

Millions of Americans receive monthly benefits through Social Security retirement, survivor, and disability benefits – including over 1.5 million Arizonans. As Dudek and DOGE inflict Silicon Valley's move-fast-and-break-things approach, workers have reported utter chaos that has threatened to send the agency into a death spiral. Announcements have been made only to be rolled backs days or even hours later. Offices have been slated for closure only to later be removed from lists. Indiscriminate layoffs have been done without regard for how the cuts will impact SSA's ability to provide core services. All the while, Dudek and DOGE have failed to offer any coherent justification for their erratic actions, pointing instead to misinformation about debunked purported fraud, waste, and abuse.

Musk has falsely claimed that SSA pays out \$100 billion annually in improper payments, referring to SSA as a "Ponzi scheme." Trump has falsely insisted that tens of millions of people over 100 years old were receiving Social Security checks. This is false. Less than 1 percent of total benefits paid between 2015 and 2022 were improper, according to the SSA's Inspector General's Office. Of those improper payments, most were due to mistakes or delays, rather than false information to obtain undeserved benefits. Dudek himself has rejected the notion that deceased people are receiving benefits.

Staff cuts are exacerbating Social Security's problems, rather than improving its efficiency. About 2,800 employees have already retired or taken early buyouts promoted by DOGE. SSA and DOGE are planning even further cuts, despite administrative costs only amounting to 0.5 percent of its budget. Having fewer workers has led to longer lines at field offices and longer wait times on phones. In 2025, callers have waited 50 percent longer on hold before speaking to a representative. Online users are faring no better after several website crashes. The Office of Transformation, responsible for managing the website, is in the midst of laying off roughly half of its information technology staff.

For many Americans, Social Security benefits make it possible to meet their most basic needs, including food, shelter, and health care. Further, Social Security is the pathway for eligibility for a number of other vital safety net programs, including Medicaid and Medicare and Supplemental Nutrition Assistance.

In a recent survey by the National Academy of Social Insurance, 42% of individuals aged 65 and older responded that they would not be able to afford food, clothing, or housing if they did not receive their Social Security retirement benefits. Nearly nine out of ten people aged 65 and older were receiving a Social Security benefit as of December 31, 2024. Of those people, approximately 40% received at least half of their income from Social Security. Further, 12% of men and 15% of women rely on Social Security for 90% or more of their income.

Plaintiffs claim the staffing cuts and reorganization measures have delayed benefits and limited SSA's ability to meet the needs of beneficiaries with disabilities in violation of section 504(a) of the Rehabilitation Act of 1973, the Administrative Procedure Act, and the First and Fifth Amendments. The brief supports their request for a preliminary injunction.

Joining Attorney General Mayes in the brief, which is led by Connecticut, are the attorneys general of California, Colorado, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

A copy of the brief is available here (<https://azag.us5.list-manage.com/track/click?u=cc1fad182b6d6f8b1e352e206&id=b003e7977a&e=b0dbe1a1e5>).

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